

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>NATHAN ANTOINE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 06-795-WDS</b>
	)	
<b>WEXFORD MEDICAL SERVICES, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**STIEHL, District Judge:**

Before the Court is Plaintiff's motion for a physical examination (Doc. 12). *See* FED.R.CIV.P. 35. Such a motion is premature, and it is therefore **DENIED** without prejudice.

Plaintiff has also filed a motion for preliminary injunction and for declaratory judgment (Doc. 13). The Court previously denied a similar motion for preliminary injunction (*see* Docs. 4, 10), and the Court finds no reason to issue a preliminary injunction now. Likewise, the Court finds that issuance of a declaratory judgment is not warranted at this time. *See* 28 U.S.C. § 2201; *Duke Power Co. v. Carolina Environmental Study Group, Inc.*, 438 U.S. 59, 71 n. 15 (1978); *Deveraux v. The City of Chicago*, 14 F.3d 328, 330-31 (7<sup>th</sup> Cir. 1994). Therefore, this motion is also **DENIED**.

**IT IS SO ORDERED.**

**DATED: September 24, 2007.**

**s/ WILLIAM D. STIEHL  
DISTRICT JUDGE**